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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	Case No.: CR 11-70696-MAG
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER CONTINUING PRELIMINARY
vs.)	HEARING DATE
)	
GIUSEPPE PENZATO and)	
KESIA PENZATO,)	
)	
Defendants.)	

Plaintiff, by and through its attorney of record, Owen Martikan, and defendants, by and through their attorneys of record, Douglas Schwartz on behalf of Defendant Giuseppe Penzato and Gail Shifman on behalf of Kesia Penzato, hereby stipulate and ask the Court to find as

STIPULATION & [PROPOSED] ORDER
CONTINUING PRELIMINARY HEARING

1 follows:

2 1. That the parties are currently scheduled for a preliminary hearing date of January 24,
3 2012 at 9:30 a.m. The parties have been in pre-indictment negotiations and the defense will be
4 producing additional materials to the government which they will need time to review. That
5 additional time for discovery production and review will facilitate ongoing discussions between
6 the parties and to account for time over the next month when defense counsel will be unavailable
7 due to business travel.
8

9 2. That the parties request that the Court vacate the January 24, 2012 preliminary hearing
10 date and continue it until February 21, 2012 at 9:30 a.m. before the duty Magistrate Judge.
11

12 3. That Defendants Giuseppe and Kesia Penzato have been advised of and consent to the
13 extension of time for the preliminary hearing beyond the time limit contained in Federal Rules of
14 Criminal Procedure 5.1(c).
15

16 5. That the parties agree that the failure to grant such a continuance would unreasonably
17 deny counsel the reasonable time necessary for effective preparation, taking into account the
18 exercise of due diligence and that January 24, 2012 through February 21, 2012 should be
19 excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A),
20 on the basis that the ends of justice are served by taking such action which outweigh the best
21 interest of the public and the defendant in a speedy trial and also under subsection (B)(iv) for
22 effective preparation of counsel, taking into account the exercise of due diligence.
23

24 Dated: January 22, 2012

_____/s/
Owen Martikan
Assistant United States Attorney

26 Dated: January 22, 2012

_____/s/
Douglas Schwartz
Attorney for Defendant Giuseppe Penzato

28 STIPULATION & ~~PROPOSED~~ ORDER
CONTINUING PRELIMINARY HEARING

1 Dated: January 22, 2012

2 /s/
3 Gail Shifman
4 Attorney for Defendant Kesia Penzato

5 **[~~PROPOSED~~] ORDER**

6 This matter having come before the Court upon the Stipulation of the parties and GOOD
7 CAUSE APPEARING,

8
9 IT IS ORDERED That the January 24, 2012 preliminary hearing date shall be vacated
10 and continued until February 21, 2012 at 9:30 a.m. before the Duty Magistrate Judge;

11 IT IS FURTHER ORDERED that the time from January 24, 2012 through February 21,
12 2012 shall be excluded in accordance with the provisions of the Speedy Trial Act, 18 U.S.C. §§
13 3161(h)(7)(A) and (B)(iv), to provide the defense time to review discovery and for effective
14 preparation. The Court finds that (A) failure to grant the continuance would unreasonably deny
15 defendants the reasonable time necessary for effective preparation, taking into account the
16 exercise of due diligence; and (B) the ends of justice served by the continuance outweigh the best
17 interests of the public and the defendants in a speedy trial. *See* 18 U.S.C. § 3161(h)(1)(7)(A) &
18 (B)(iv).
19

20
21 Dated: January 23, 2012

22 Jacqueline S. Corley
23 United States Magistrate Judge
24 Jacqueline Scott Corley
25
26
27